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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 002425

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SUBJECT: THE KING SAYS, IT'S A MESS

REF: A. BANGKOK 02370

[1](#)B. BANGKOK 01872

Classified By: Charge d'Affaires Alex A. Arvizu reason 1.4 (b) (d)

[1](#)1. (C) SUMMARY: King Bhumibol Adulyadej yesterday gave two of the most direct and to-the-point speeches in recent years to the newly sworn-in judges of the Administrative and Supreme Courts. In these speeches, the King questioned the democratic nature of the April 2 general elections as well as the "correctness" of dissolving Parliament and calling for snap elections in the first place. He reminded the Administrative Court that it is their job to consider these issues, and opened the possibility of nullifying the elections. He further asserted that invoking Article 7 of the Constitution to have the royally-appointed Prime Minister would be undemocratic. The King therefore called on the courts and other institutions to work together to resolve the current political chaos. Top justices at the three high courts (Supreme, Administrative and Constitutional) will meet on Friday to propose a way "out of the woods." Opposition forces are chastened by the King's strong rejection of their call for him to name the next Prime Minister, but welcome some of the criticisms of the election process. End Summary.

DOOR CREEPS OPEN FOR NULLIFYING THE ELECTION

[1](#)2. (U) In his first speech of the night to the judges of the Administrative Court, the King asserted that "it is impossible for a democratic election to have only one party and one candidate. This is undemocratic." He further questioned why no one discussed whether dissolving the Parliament and calling for a snap election within thirty days was the "correct" decision in the first place. If not, he suggested, one would need to "solve the problem," including "perhaps nullifying the elections."

ENOUGH WITH THE HOT POTATOES ALREADY!

[1](#)3. (SBU) The King warned the Administrative Court that it should not evade its responsibilities. If "you cannot do it, then it should be you who resign, not the government, for failing to perform your duties." (Comment: The appears to be a dig at the decisions by several courts to duck tough cases connected to the election by saying that they lack jurisdiction over the issues. End comment.)

[1](#)4. (U) The King also spoke to the new members of the Supreme Court, delivering a similar message. In both speeches the King expressed his strong disagreement with the opposition's call to invoke Article 7 of the Constitution. The King

stated that electing the new Prime Minister (PM) should be up to Parliament. He told the Supreme Court that he disagreed with opening the House unless all 500 MP seats are filled. "Now, the House of Representatives cannot function because it does not have 500 members." The problem is how to make the House work." He then explained that the opposition is "wrong to cite Article 7," as the "article refers to the full effect of the constitutional monarchy. It does not permit the king to do whatever he wishes." And by doing so he would "overstep his mark, and do something beyond his authority." And "that's not democracy."

COURTS MUST WORK TOGETHER TO CLEAN UP THE MESS

15. (U) The King stressed that the current political state is quite a "mess," and that for him to intervene would only make it messier. He called on the three courts (Constitutional, Administrative, and Supreme Courts) to work together to "urgently decide, otherwise the country would collapse." Top judges of these three courts announced today that they will meet for discussions this Friday. The Supreme Court secretary-general said that the Supreme Court justices will

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seek common ground among themselves during a meeting on Thursday, before submitting their joint opinion to the combined meeting. He said that the justices intend to provide an solution to lead the country "out of the woods."

ONE BIG SLAP

16. (C) One Democrat party contact said, "off the record" that the King's speech was a slap in the face to all the

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political players. "It's like the King lined us up and got us all with one big slap," he said. Now each side will try to pick out the elements in the speech favorable to its position. For the opposition, they will appreciate the criticism of the undemocratic nature of the elections, and the implied criticism of the decision to dissolve Parliament in the first place. For Thai Rak Thai, they can highlight the rebuke to the opposition for trying to force the King to name a new prime minister. They may also say that it was the opposition's fault, with their boycott, that TRT was the only party contesting. Regarding the question of annulling the election, the Democrat representative said, the party was now in a quandary. They had called for the elections to be annulled with the idea that the King would name an interim Prime Minister. If the elections are annulled and the King won't name a PM, then it is unclear what would happen next. He still clung to the hope that the King might yet accept the responsibility if the meeting on Friday of the three courts' justices resulted in a request from them for him to do so. The People's Alliance for Democracy (PAD) issued a statement saying that they would accept the King's view and seek constitutional solutions to the crisis. Opposition parties were meeting Wednesday to come up with a formal reaction to the speech.

BINGO

18. (C) Meanwhile, the Election Commission may have resolved the quorum problem. It appears that microparty candidates have registered for all the remaining 14 races in the South. It is not clear whether all of them are qualified, but with only two days until the elections, it will be difficult to push through disqualifications. This means that these 14 seats should be filled -- perhaps by these Lilliputian opponents. This still leaves the parliament one person short, as one of the party list candidates on the TRT list withdrew from the race and became a monk. According to some

sources, however, the EC may argue that he is still technically on the TRT list and that his withdrawal was not valid. Whether he leaves the monastery to come to the Parliament or not, they may certify his election.

COMMENT: ANOTHER FINE MESS YOU'VE GOTTEN US INTO

18. (C) The King's statements have tossed everything up in the air, and it will be a few days before we see where they come down. Press coverage has tended to focus on the King's refusal to be dragged into naming a prime minister, but that was not news to us. (ref B) His very strong statements opening his remarks at the Administrative Court, and his directive to the judges to come up with a solution, were more startling. It is hard to imagine the courts really deciding that these elections should be annulled, and even harder to imagine exactly what would follow to fill the vacuum this would create. TRT may try to seize on the King's insistence on full quorum, which now looks like it might be achievable, and ignore the rest of his criticisms. Unlike the Constitutional Court however, (with its track record of deferring to the Prime Minister), the Supreme and Administrative Courts generally enjoy a good reputation. With the King's imprimatur to find a solution, they may feel empowered to propose a bold plan to sort out this extremely messy situation. They have a tough job to do.
ARVIZU